

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 28, 2004

DIVISION ONE

B165753 Susman, et al. (Not for Publication)
 v.
 Fireman's Fund Insurance Companies, et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B173898 Alberto P. (Not for Publication)
 v.
 Superior Court, Los Angeles County,
 (Baggot, et al., r.p.i.)

The Court:

Let a peremptory writ issue, commanding respondent superior court to vacate its order of January 20, 2004, and to enter a new and different order permitting plaintiffs to file a first amended complaint that includes claims of punitive damages against Blue Shield of California in the second and fifth cause of action in Los Angeles Superior Court case No. BC277057, entitled Alberto P., a Minor, etc., et al. v. Patrick J. Baggott et al. All parties shall bear their own costs.

May 28, 2004 (Continued)

DIVISION ONE (Continued)

B167385 People v. Smith (Not for Publication)

The condition of probation recited above is modified as indicated. As modified, the judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B164399 Mullin (Not for Publication)
v.
Furman, et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION THREE

B166130 People v. Thomas (Not for Publication)
B170381 In re Henry Loyce Thomas on Habeas Corpus

The judgment is affirmed, and the petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B167180 Weinberg (Not for Publication)
v.
Cedars-Sinai Medical Center

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B171859 Ticehurst, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Hadley, et al., r.p.i.)

Let a peremptory writ of mandate issue directing respondent trial court to vacate its sanctions order of November 26, 2003, against the Law Offices of John Heurlin, and to enter a new order denying real parties' motion for sanctions. Petitioners' request for attorney fees or sanctions under section 128.7 is denied. Petitioners are awarded their costs. (Cal. Rules of Court, rule 56.4(a).) The temporary stay order shall remain in force until this opinion is final with respect to this court.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B155445 People (Not for Publication)
v.
Newman

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

May 28, 2004 (Continued)

DIVISION FOUR (Continued)

B168677 People (Not for Publication)
v.
Ellis

The aggravated white collar crime enhancement pursuant to Penal Code, section 186.11, subdivision (a)(1) imposed in counts 7 and 9 through 35 are ordered stricken and in all other respects the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B160568 Valentine
v.
Membila Insurance Services, Inc.

Filed order denying petition for rehearing.

DIVISION SIX

B163370 People
v.
Corella

Filed order vacating submission of May 3, 2004. Additional briefing ordered. The matter shall stand resubmitted as of July 6, 2004.

DIVISION EIGHT

B161628 Argent (Not for Publication)
v.
Bluto, et al.

The judgment is reversed as to the first and second causes of action against GS&W for breach of contract and the matter is remanded for additional proceedings consistent with this opinion. In all other respects, the judgment is affirmed. Each party is to bear its own costs of appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B167164 Heath (Not for Publication)
v.
Nationscredit Financial Services, et al.

For the reasons set forth above, we reverse the judgment only insofar as it awarded NationsCredit an equitable lien that included amounts reflecting late charges on the loan, its attorney's fees, and a reconveyance fee. We also hold that NationsCredit is not entitled to statutory post-judgment interest. (Code Civ. Proc., § 685.010.) In all other respects the judgment is affirmed. The trial court is directed to enter a new judgment reflecting the correct amount of the lien. Each side to bear its own costs.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.